

SENATE BILL 2971
By Rice

AN ACT to amend Chapter 241 of the Private Acts of 1921, as amended by Chapter 281 of the Private Acts of 1929, Chapter 83 of the Private Acts of 1961, Chapter 132 of the Private Acts of 1969, Chapter 134 of the Private Acts of 1981, Chapter 149 of the Private Acts of 1983, and any other acts amendatory thereto, relative to the charter of the town of Ashland City.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 241 of the Private Acts of 1921, as amended by Chapter 281 of the Private Acts of 1929, Chapter 83 of the Private Acts of 1961, Chapter 132 of the Private Acts of 1969, Chapter 134 of the Private Acts of 1981, Chapter 149 of the Private Acts of 1983, and any other acts amendatory thereto, is amended in Section 5 by deleting paragraph (q) in its entirety and by substituting instead the following:

(q) To provide that the violation of any ordinance, rule, regulation or order shall be punishable by penalty or forfeiture not to exceed five hundred dollars (\$500) and costs.

SECTION 2. Chapter 241 of the Private Acts of 1921, as amended, is further amended by deleting Section 8 in its entirety and by substituting instead the following:

(a) On the first Saturday in December of 1999, a nonpartisan election shall be conducted by the county election commission, pursuant to the election laws of this state to elect a mayor and six (6) councilmen, two (2) councilmen from each of the three (3) wards of the town all by electors of the town at large. Any elector who has been a resident of the town for at least two (2) years may be qualified as a candidate by the

nominating petition submitted to the county commissioners of elections not less than thirty (30) days prior to the election, signed by at least twenty-five (25) electors.

(b) The nominating petition shall be prepared in substantially the following form:

We, the undersigned electors of the Town of Ashland City, Tennessee,
hereby nominate _____, whose residence is
_____, for the office of councilman from the
_____ ward (Mayor) to be voted for at the election to be held on the
_____ day of _____, 19____, and we individually certify that we are
registered voters.

Name	Address	Date of Signing
------	---------	-----------------

(c) Persons nominated may withdraw their nominations by written notice to the county commissioners of elections not later than twenty-five (25) days before the election held at two (2) year intervals thereafter. Names of candidates shall be listed alphabetically on the ballot; the residence addresses of candidates having the same or substantially similar surnames shall also be printed on the ballot.

(d) The candidate for mayor receiving the highest number of votes for the office shall be elected; and the two (2) candidates for councilmen from each of the three (3) wards of the town receiving the highest number of votes for the office shall be elected to such office. If there should be a tie vote for two (2) or more candidates for the office of mayor, then the duly elected councilmen, by a majority vote, shall elect one (1) candidate for mayor receiving such tie vote to the office to serve until the next election. If more than two (2) candidates for the office of councilman from any one (1) ward of the town receive the same number of votes, resulting in a three (3) way or more tie vote for two (2) or more candidates for the office, then the duly elected town council members shall, by a majority vote, elect two (2) of the candidates receiving such tie vote for the office of councilman to serve until the next election.

(e) Each elector shall be entitled to vote for six (6) candidates for councilman, two (2) councilmen from each ward in the first election following the passage of this act. In the first election following passage of this act, a mayor and two (2) councilmen for each of the three (3) wards of the city shall be elected. The mayor and the councilmen from each ward receiving the highest number of votes shall be elected for a term of four (4) years. The councilmen from each ward receiving the second highest number of votes shall be elected for a term of two (2) years. The mayor and councilmen elected in each regular town election thereafter shall serve a term of four (4) years. Elections shall be held on the first Saturday in December in every odd-numbered year to elect one (1) councilman for each ward, and in every other odd-numbered year one (1) councilman for each ward and the mayor shall be elected. The terms of office of the mayor and councilman shall begin at 12:01 p.m. of the first day of January next following their election, and they shall serve for a term of four (4) years and until their successors are elected and qualified. No informality shall invalidate such an election, providing it is conducted fairly and in substantial conformity with the requirements of this charter and the general election laws of the state.

SECTION 3. Chapter 241 of the Private Acts of 1921, as amended, is further amended by deleting Section 22 in its entirety and by substituting instead the following:

Section 22. City Court and City Judge (a) There is hereby created and established for Ashland City, Tennessee, a town court, to be presided over by a town judge.

(b) The town judge shall have authority to try persons charged with the violation of municipal ordinances, and to punish persons convicted of such violations by levying a civil penalty not to exceed five hundred dollars (\$500), or the maximum civil penalty allowed under state law, and costs prescribed by ordinance. The town judge shall also have the authority to exercise jurisdiction concurrent with the courts of general sessions in all cases involving the violation of the criminal laws of the state within the corporate

limits of the town, but shall exercise that jurisdiction, if any, only if such judge is elected in accordance with this charter.

(c) The town judge shall be elected for a term of eight (8) years on the date prescribed under state law for the election of the judges of the court of general sessions and other inferior courts, and every eight (8) years thereafter, and shall take office on September 1 next following the date of the judge's election. Vacancies in the office of the town judge shall be filled by the town council.

(d) The town judge must be at least thirty (30) years old, licensed to practice law in Tennessee, shall be a resident of the town of Ashland City for one (1) year and a resident of Tennessee for five (5) years immediately preceding such judge's election.

(e) The salary of the town judge shall be fixed and determined by the town council, prior to the judge's election, and shall not otherwise be altered at any time during such term.

SECTION 4. Chapter 241 of the Private Acts of 1921, as amended, is further amended in Section 36 by deleting from the first sentence of subsection (b) the figure "\$500" and by substituting instead the words and figure "one thousand dollars (\$1,000)"; and by deleting from the third sentence the figure "\$1,000" and by substituting instead the words and figure "two thousand five hundred dollars (\$2,500)".

SECTION 5. Chapter 241 of the Private Acts of 1921, as amended, is further amended by deleting Section 57 in its entirety and by substituting instead the following:

Section 57. The violation of any provision of this charter, any ordinance or regulation for which a penalty is not specifically provided shall be punishable by a penalty not to exceed five hundred dollars (\$500).

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the town of Ashland City. Its approval or nonapproval shall be proclaimed by the presiding officer of the town of Ashland City and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.